UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA   )
)
        v.   )   CRIMINAL NO. 04-10306-PBS
)
TREVOR CHARLTON   )

DEFENDANT'S MOTION FOR JUROR QUESTIONNAIRE

Defendant respectfully moves, pursuant to Fed. R. Crim. P. 24(a), that in an effort to insure a fair and impartial jury, this Court allow the use of the attached juror questionnaire. The questionnaire consists of two questions designed to identify racial bias. (Exhibit A).

The questionnaire procedure is simple and works as follows: The jury administrator distributes the questionnaire to members of the jury pool, and the jurors complete the questionnaire privately in the jury assembly room. The juror's number is placed at the top of the questionnaire. When the venire is brought into the courtroom, the questionnaires are collected and reviewed by counsel and the Court. Jurors who have answered the questionnaire in a way which disqualifies them may be immediately dismissed by the Court. (The questionnaire actually saves time because all jurors who express racial bias can be eliminated immediately, obviating the need to discuss this issue at sidebar).

As grounds for this motion, defendant states as follows:

    1.   The defendant is black.

    2.   Jurors are less likely to admit racial bias when they know they will be required to discuss their answers with the judge and counsel at sidebar (as is the case when the Court asks the question, among others, in the courtroom).

    3.   Jurors are more likely to be honest when they are filling out a questionnaire privately. See affidavit of undersigned counsel. (Exhibit B).

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TREVOR CHARLTON
By his attorneys,

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Certificate of Service

    I, Catherine K. Byrne, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 24, 2007.

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/s/ Catherine K. Byrne
Catherine K. Byrne__

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